

ENGROSSED SENATE BILL No. 409

DIGEST OF SB 409 (Updated February 12, 2004 10:10 am - DI 92)

Citations Affected: IC 33-9; IC 33-11.6; IC 33-19; noncode.

Public defense fund. Requires the public defender commission to give priority to certified claims for reimbursement in capital cases. Prorates reimbursement of certified claims in noncapital cases. Establishes a judicial administration fee of \$1 in the period beginning July 1, 2004, and ending June 30, 2005, and \$2 after June 30, 2005. Requires court clerks to semiannually distribute to the auditor of state for deposit in the state general fund 100% of the judicial administration fee collected. Increases the amount transferred semi-annually for deposit into the public defense fund from \$1,200,000 to \$1,700,000 in FY05 and \$2,200,000 in following state fiscal years.

Effective: July 1, 2004; July 1, 2005.

Lanane, Ford

(HOUSE SPONSORS — KUZMAN, CRAWFORD, FOLEY)

January 12, 2004, read first time and referred to Committee on Judiciary. January 29, 2004, reported favorably — Do Pass. February 3, 2004, read second time, ordered engrossed. Engrossed. February 4, 2004, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

February 6, 2004, read first time and referred to Committee on Ways and Means. February 16, 2004, amended, reported — Do Pass.



Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 409

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 33-9-14-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. If the public defense fund would be reduced below two hundred-fifty thousand dollars (\$250,000) by payment in full of all county reimbursement for net expenditures in non-capital cases that is certified by the state court administrator in any quarter, the commission shall suspend payment of reimbursement to counties in non-capital cases until the next semi-annual deposit in the public defense fund. At the end of the suspension period, the state court administrator shall certify all suspended reimbursement. If the public defense fund would be reduced below two hundred-fifty thousand dollars (\$250,000) by payment in full of all suspended reimbursement in non-capital cases, the amount certified by the state court administrator for each county entitled to reimbursement shall be prorated. The commission shall give priority to certified claims for reimbursement in capital cases. If the balance in the public defense fund is not adequate to fully reimburse all certified claims in noncapital cases, the commission



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1	shall prorate reimbursement of certified claims in noncapital cases.
2	SECTION 2. IC 33-11.6-4-15, AS AMENDED BY P.L.141-2002,
3	SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4	JULY 1, 2004]: Sec. 15. (a) The costs consist of the following:
5	(1) A township docket fee equal to five dollars (\$5) plus forty-five
6	percent (45%) of the infraction or ordinance violation costs fee
7	under IC 33-19-5-2.
8	(2) Bailiff's service of process by registered or certified mail fee
9	of thirteen dollars (\$13) for each service.
10	(3) The cost for the personal service of process by the bailiff or
11	other process server in the amount of thirteen dollars (\$13) for
12	each service.
13	(4) Witness fees, if any, in the amount provided by IC 33-19-1-6
14	to be taxed and charged in the circuit court of the county.
15	(5) A redocketing fee, if any, of five dollars (\$5).
16	(6) A document storage fee under IC 33-19-6-18.1.
17	(7) An automated record keeping fee under IC 33-19-6-19. and
18	(8) A late fee, if any, under IC 33-19-6-20.
19	(9) A judicial administration fee under IC 33-19-6-19.3.
20	The docket fee and the cost for the initial service of process shall be
21	paid upon the institution of each case. The cost of service rendered
22	subsequent to the initial service shall be assessed and paid after such
23	service has been made, and the cost of witness fees shall be paid before
24	the witnesses are called.
25	(b) If the amount of the township docket fee computed under
26	subsection (a)(1) is not equal to a whole number, the amount shall be
27	rounded to the next highest whole number.
28	SECTION 3. IC 33-19-5-1, AS AMENDED BY P.L.1-2002,
29	SECTION 133, IS AMENDED TO READ AS FOLLOWS
30	[EFFECTIVE JULY 1, 2004]: Sec. 1. (a) For each action that results in
31	a felony conviction under IC 35-50-2 or a misdemeanor conviction
32	under IC 35-50-3, the clerk shall collect from the defendant a criminal
33	costs fee of one hundred twenty dollars (\$120).
34	(b) In addition to the criminal costs fee collected under this section,
35	the clerk shall collect from the defendant the following fees if they are
36	required under IC 33-19-6:
37	(1) A document fee.
38	(2) A marijuana eradication program fee.
39	(3) An alcohol and drug services program user fee.
40	(4) A law enforcement continuing education program fee.
41	(5) A drug abuse, prosecution, interdiction, and correction fee.
42	(6) An alcohol and drug countermeasures fee.



1	(7) A child abuse prevention fee.
2	(8) A domestic violence prevention and treatment fee.
3	(9) A highway work zone fee.
4	(10) A deferred prosecution fee (IC 33-19-6-16.2).
5	(11) A document storage fee (IC 33-19-6-18.1).
6	(12) An automated record keeping fee (IC 33-19-6-19).
7	(13) A late payment fee (IC 33-19-6-20).
8	(14) A sexual assault victims assistance fee (IC 33-19-6-21).
9	(15) A judicial administration fee (IC 33-19-6-19.3).
10	(c) Instead of the criminal costs fee prescribed by this section, the
11	clerk shall collect a pretrial diversion program fee if an agreement
12	between the prosecuting attorney and the accused person entered into
13	under IC 33-14-1-7 requires payment of those fees by the accused
14	person. The pretrial diversion program fee is:
15	(1) an initial user's fee of fifty dollars (\$50); and
16	(2) a monthly user's fee of ten dollars (\$10) for each month that
17	the person remains in the pretrial diversion program.
18	(d) The clerk shall transfer to the county auditor or city or town
19	fiscal officer the following fees, within thirty (30) days after they are
20	collected, for deposit by the auditor or fiscal officer in the appropriate
21	user fee fund established under IC 33-19-8:
22	(1) The pretrial diversion fee.
23	(2) The marijuana eradication program fee.
24	(3) The alcohol and drug services program user fee.
25	(4) The law enforcement continuing education program fee.
26	(e) Unless otherwise directed by a court, if a clerk collects only part
27	of a criminal costs fee from a defendant under this section, the clerk
28	shall distribute the partial payment of the criminal costs fee as follows:
29	(1) First, the clerk shall apply the partial payment to general court
30	costs.
31	(2) Second, if there is money remaining after the partial payment
32	is applied to general court costs under subdivision (1), the clerk
33	shall distribute the partial payment for deposit in the appropriate
34	county user fee fund.
35	(3) Third, if there is money remaining after distribution under
36	subdivision (2), the clerk shall distribute the partial payment for
37	deposit in the state user fee fund.
38	(4) Fourth, if there is money remaining after distribution under
39	subdivision (3), the clerk shall distribute the partial payment to
40	any other applicable user fee fund.
41	(5) Fifth, if there is money remaining after distribution under
42	subdivision (4), the clerk shall apply the partial payment to any



1	outstanding fines owed by the defendant.
2	SECTION 4. IC 33-19-5-2, AS AMENDED BY P.L.1-2002,
3	SECTION 134, IS AMENDED TO READ AS FOLLOWS
4	[EFFECTIVE JULY 1, 2004]: Sec. 2. (a) Except as provided in
5	subsections (d) and (e), for each action that results in a judgment:
6	(1) for a violation constituting an infraction; or
7	(2) for a violation of an ordinance of a municipal corporation (as
8	defined in IC 36-1-2-10);
9	the clerk shall collect from the defendant an infraction or ordinance
10	violation costs fee of seventy dollars (\$70).
11	(b) In addition to the infraction or ordinance violation costs fee
12	collected under this section, the clerk shall collect from the defendant
13	the following fees if they are required under IC 33-19-6:
14	(1) A document fee (IC 33-19-6-1, IC 33-19-6-2, IC 33-19-6-3).
15	(2) An alcohol and drug services program user fee
16	(IC 33-19-6-7(b)).
17	(3) A law enforcement continuing education program fee
18	(IC 33-19-6-7(c)).
19	(4) An alcohol and drug countermeasures fee (IC 33-19-6-10).
20	(5) A highway work zone fee (IC 33-19-6-14).
21	(6) A deferred prosecution fee (IC 33-19-6-16.2).
22	(7) A jury fee (IC 33-19-6-17).
23	(8) A document storage fee (IC 33-19-6-18.1).
24	(9) An automated record keeping fee (IC 33-19-6-19).
25	(10) A late payment fee (IC 33-19-6-20).
26	(11) A judicial administration fee (IC 33-19-6-19.3).
27	(c) The clerk shall transfer to the county auditor or fiscal officer of
28	the municipal corporation the following fees, within thirty (30) days
29	after they are collected, for deposit by the auditor or fiscal officer in the
30	user fee fund established under IC 33-19-8:
31	(1) The alcohol and drug services program user fee.
32	(2) The law enforcement continuing education program fee.
33	(3) The deferral program fee.
34	(d) The defendant is not liable for any ordinance violation costs fee
35	in an action in which:
36	(1) the defendant was charged with an ordinance violation subject
37	to IC 33-6-3;
38	(2) the defendant denied the violation under IC 33-6-3-2;
39	(3) proceedings in court against the defendant were initiated
40	under IC 34-28-5 (or IC 34-4-32 before its repeal); and
41	(4) the defendant was tried and the court entered judgment for the
42	defendant for the violation.



1	(e) Instead of the infraction or ordinance violation costs fee
2	prescribed by subsection (a), the clerk shall collect a deferral program
3	fee if an agreement between a prosecuting attorney or an attorney for
4	a municipal corporation and the person charged with a violation
5	entered into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal)
6	requires payment of those fees by the person charged with the
7	violation. The deferral program fee is:
8	(1) an initial user's fee not to exceed fifty-two dollars (\$52); and
9	(2) a monthly user's fee not to exceed ten dollars (\$10) for each
10	month the person remains in the deferral program.
11	SECTION 5. IC 33-19-5-3, AS AMENDED BY P.L.1-2002,
12	SECTION 135, IS AMENDED TO READ AS FOLLOWS
13	[EFFECTIVE JULY 1, 2004]: Sec. 3. (a) For each action filed under:
14	(1) IC 31-34 or IC 31-37 (delinquent children and children in
15	need of services); or
16	(2) IC 31-14 (paternity);
17	the clerk shall collect a juvenile costs fee of one hundred twenty dollars
18	(\$120).
19	(b) In addition to the juvenile costs fee collected under this section,
20	the clerk shall collect the following fees if they are required under
21	IC 33-19-6:
22	(1) A document fee.
23	(2) A marijuana eradication program fee.
24	(3) An alcohol and drug services program user fee.
25	(4) A law enforcement continuing education program fee.
26	(5) An alcohol and drug countermeasures fee.
27	(6) A document storage fee (IC 33-19-6-18.1).
28	(7) An automated record keeping fee (IC 33-19-6-19).
29	(8) A late payment fee (IC 33-19-6-20).
30	(9) A judicial administration fee (IC 33-19-6-19.3).
31	(c) The clerk shall transfer to the county auditor or city or town
32	fiscal officer the following fees, within thirty (30) days after they are
33	collected, for deposit by the auditor or fiscal officer in the appropriate
34	user fee fund established under IC 33-19-8:
35	(1) The marijuana eradication program fee.
36	(2) The alcohol and drug services program user fee.
37	(3) The law enforcement continuing education program fee.
38	SECTION 6. IC 33-19-5-4, AS AMENDED BY P.L.1-2002,
39	SECTION 136, IS AMENDED TO READ AS FOLLOWS
40	[EFFECTIVE JULY 1, 2004]: Sec. 4. (a) For each civil action except:
41	(1) proceedings to enforce a statute defining an infraction under
42	IC 34-28-5-4 (or IC 34-4-32-4 before its repeal);



1	(2) proceedings to enforce an ordinance under IC 34-28-5-4 (or
2	IC 34-4-32-4 before its repeal);
3	(3) proceedings in juvenile court under IC 31-34 or IC 31-37;
4	(4) proceedings in paternity under IC 31-14;
5	(5) proceedings in small claims court under IC 33-11.6; and
6	(6) proceedings in actions under section 6 of this chapter;
7	the clerk shall collect from the party filing the action a civil costs fee
8	of one hundred dollars (\$100).
9	(b) In addition to the civil costs fee collected under this section, the
10	clerk shall collect the following fees if they are required under
11	IC 33-19-6:
12	(1) A document fee.
13	(2) A support and maintenance fee.
14	(3) A document storage fee (IC 33-19-6-18.1).
15	(4) An automated record keeping fee (IC 33-19-6-19).
16	(5) A judicial administration fee (IC 33-19-6-19.3).
17	SECTION 7. IC 33-19-5-5, AS AMENDED BY P.L.167-2003,
18	SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19	JULY 1, 2005]: Sec. 5. (a) For each small claims action the clerk shall
20	collect from the party filing the action a:
21	(1) small claims costs fee of thirty-five dollars (\$35); and
22	(2) small claims service fee of five dollars (\$5) for each defendant
23	named or added in the small claims action.
24	However, a clerk may not collect a small claims costs fee or small
25	claims service fee for a small claims action filed by or on behalf of the
26	attorney general.
27	(b) In addition to a small claims costs fee and small claims service
28	fee collected under this section, the clerk shall collect the following
29	fees if they are required under IC 33-19-6:
30	(1) A document fee.
31	(2) A document storage fee (IC 33-19-6-18.1).
32	(3) An automated record keeping fee (IC 33-19-6-19).
33	(4) A judicial administration fee (IC 33-19-6-19.3).
34	SECTION 8. IC 33-19-5-6, AS AMENDED BY P.L.1-2002,
35	SECTION 138, IS AMENDED TO READ AS FOLLOWS
36	[EFFECTIVE JULY 1, 2004]: Sec. 6. (a) Except as provided under
37	subsection (c), for each action filed under:
38	(1) IC 6-4.1-5 (determination of inheritance tax);
39	(2) IC 29 (probate); and
40	(3) IC 30 (trusts and fiduciaries);
41	the clerk shall collect from the party filing the action a probate costs fee
42	of one hundred twenty dollars (\$120).



1 2	(b) In addition to the probate costs fee collected under this section, the clerk shall collect from the party filing the action the following fees	
3	if they are required under IC 33-19-6:	
4	(1) A document fee.	
5	(2) A document storage fee (IC 33-19-6-18.1).	
6	(3) An automated record keeping fee (IC 33-19-6-19).	
7	(4) A judicial administration fee (IC 33-19-6-19.3).	
8	(c) A clerk may not collect a court costs fee for the filing of the	
9	following exempted actions:	
10	(1) Petition to open a safety deposit box.	
11	(2) Filing an inheritance tax return, unless proceedings other than	
12	the court's approval of the return become necessary.	
13	(3) Offering a will for probate under IC 29-1-7, unless	
14	proceedings other than admitting the will to probate become	
15	necessary.	_
16	SECTION 9. IC 33-19-6-19.3 IS ADDED TO THE INDIANA	
17	CODE AS A NEW SECTION TO READ AS FOLLOWS	
18	[EFFECTIVE JULY 1, 2004]: Sec. 19.3. (a) This subsection does not	
19	apply to the following:	
20	(1) A criminal proceeding.	
21	(2) A proceeding for an infraction violation.	
22	(3) A proceeding for an ordinance violation.	
23	In each action filed in a court described in IC 33-19-1-1, the clerk	
24	shall collect a judicial administration fee of one dollar (\$1) during	_
25	the period beginning July 1, 2004, and ending June 30, 2005, and	
26	two dollars (\$2) after June 30, 2005.	
27	(b) In each action in which a person is:	
28	(1) convicted of an offense;	V
29	(2) required to pay a pretrial diversion fee;	
30	(3) found to have violated an infraction; or	
31	(4) found to have violated an ordinance;	
32	the clerk shall collect a judicial administration fee of one dollar	
33	(\$1) during the period beginning July 1, 2004, and ending June 30,	
34	2005, and two dollars (\$2) after June 30, 2005.	
35	SECTION 10. IC 33-19-7-1, AS AMENDED BY P.L.167-2003,	
36	SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE	
37	JULY 1, 2005]: Sec. 1. (a) The clerk of a circuit court shall	
38	semiannually distribute to the auditor of state as the state share for	
39	deposit in the state general fund seventy percent (70%) of the amount	
40	of fees collected under the following:	
41	(1) IC 33-19-5-1(a) (criminal costs fees).	
42	(2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).	



1	(3) IC 33-19-5-3(a) (juvenile costs fees).
2	(4) IC 33-19-5-4(a) (civil costs fees).
3	(5) IC 33-19-5-5(a)(1) (small claims costs fees).
4	(6) IC 33-19-5-6(a) (probate costs fees).
5	(7) IC 33-19-6-16.2 (deferred prosecution fees).
6	(b) The clerk of a circuit court shall semiannually distribute to the
7	auditor of state for deposit in the state user fee fund established under
8	IC 33-19-9-2 the following:
9	(1) Twenty-five percent (25%) of the drug abuse, prosecution,
10	interdiction, and correction fees collected under
11	IC 33-19-5-1(b)(5).
12	(2) Twenty-five percent (25%) of the alcohol and drug
13	countermeasures fees collected under IC 33-19-5-1(b)(6),
14	IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
15	(3) Fifty percent (50%) of the child abuse prevention fees
16	collected under IC 33-19-5-1(b)(7).
17	(4) One hundred percent (100%) of the domestic violence
18	prevention and treatment fees collected under IC 33-19-5-1(b)(8).
19	(5) One hundred percent (100%) of the highway work zone fees
20	collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).
21	(6) One hundred percent (100%) of the safe schools fee collected
22	under IC 33-19-6-16.3.
23	(7) One hundred percent (100%) of the automated record keeping
24	fee (IC 33-19-6-19).
25	(c) The clerk of a circuit court shall monthly distribute to the county
26	auditor the following:
27	(1) Seventy-five percent (75%) of the drug abuse, prosecution,
28	interdiction, and correction fees collected under
29	IC 33-19-5-1(b)(5).
30	(2) Seventy-five percent (75%) of the alcohol and drug
31	countermeasures fees collected under IC 33-19-5-1(b)(6),
32	IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
33	The county auditor shall deposit fees distributed by a clerk under this
34	subsection into the county drug free community fund established under
35	IC 5-2-11.
36	(d) The clerk of a circuit court shall monthly distribute to the county
37	auditor fifty percent (50%) of the child abuse prevention fees collected
38	under IC 33-19-5-1(b)(8). The county auditor shall deposit fees
39	distributed by a clerk under this subsection into the county child
40	advocacy fund established under IC 12-17-17.
41	(e) The clerk of a circuit court shall monthly distribute to the county

auditor one hundred percent (100%) of the late payment fees collected



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1	under IC 33-19-6-20. The county auditor shall deposit fees distributed
2	by a clerk under this subsection as follows:
3	(1) If directed to do so by an ordinance adopted by the county
4	fiscal body, the county auditor shall deposit forty percent (40%)
5	of the fees in the clerk's record perpetuation fund established
6	under IC 33-19-6-1.5 and sixty percent (60%) of the fees in the
7	county general fund.
8	(2) If the county fiscal body has not adopted an ordinance under
9	subdivision (1), the county auditor shall deposit all the fees in the
10	county general fund.
11	(f) The clerk of the circuit court shall semiannually distribute to the
12	auditor of state for deposit in the sexual assault victims assistance fund
13	established under IC 16-19-13-6 one hundred percent (100%) of the
14	sexual assault victims assistance fees collected under IC 33-19-6-21.
15	(g) The clerk of a circuit court shall monthly distribute to the county
16	auditor the following:
17	(1) One hundred percent (100%) of the support and maintenance
18	fees for cases designated as non-Title IV-D child support cases in
19	the Indiana support enforcement tracking system (ISETS)
20	collected under IC 33-19-6-5.
21	(2) The percentage share of the support and maintenance fees for
22	cases designated as IV-D child support cases in ISETS collected
23	under IC 33-19-6-5 that is reimbursable to the county at the
24	federal financial participation rate.
25	The county clerk shall monthly distribute to the office of the secretary
26	of family and social services the percentage share of the support and
27	maintenance fees for cases designated as Title IV-D child support cases
28	in ISETS collected under IC 33-19-6-5 that is not reimbursable to the
29	county at the applicable federal financial participation rate.
30	(h) The clerk of a circuit court shall monthly distribute to the county
31	auditor one hundred percent (100%) of the small claims service fee
32	under IC 33-19-5-5(a)(2) for deposit in the county general fund.
33	(i) The clerk of a circuit court shall semiannually distribute to
34	the auditor of state for deposit in the state general fund one
35	hundred percent (100%) of the judicial administration fee collected
36	under IC 33-19-6-19.3.
37	SECTION 11. IC 33-19-7-4, AS AMENDED BY P.L.167-2003,
38	SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39	JULY 1, 2005]: Sec. 4. (a) The clerk of a city or town court shall
40	semiannually distribute to the auditor of state as the state share for
41	deposit in the state general fund fifty-five percent (55%) of the amount



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of fees collected under the following:

1	(1) IC 33-19-5-1(a) (criminal costs fees).	
2	(2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).	
3	(3) IC 33-19-5-4(a) (civil costs fees).	
4	(4) IC 33-19-5-5(a)(1) (small claims costs fees).	
5	(5) IC 33-19-6-16.2 (deferred prosecution fees).	
6	(b) Once each month the city or town fiscal officer shall distribute	
7	to the county auditor as the county share twenty percent (20%) of the	
8	amount of fees collected under the following:	
9	(1) IC 33-19-5-1(a) (criminal costs fees).	
10	(2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).	
11	(3) IC 33-19-5-4(a) (civil costs fees).	
12	(4) IC 33-19-5-5(a)(1) (small claims costs fees).	
13	(5) IC 33-19-6-16.2 (deferred prosecution fees).	
14	(c) The city or town fiscal officer shall retain twenty-five percent	
15	(25%) as the city or town share of the fees collected under the	
16	following:	
17	(1) IC 33-19-5-1(a) (criminal costs fees).	
18	(2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).	
19	(3) IC 33-19-5-4(a) (civil costs fees).	
20	(4) IC 33-19-5-5(a)(1) (small claims costs fees).	
21	(5) IC 33-19-6-16.2 (deferred prosecution fees).	
22	(d) The clerk of a city or town court shall semiannually distribute to	
23	the auditor of state for deposit in the state user fee fund established	
24	under IC 33-19-9 the following:	_
25	(1) Twenty-five percent (25%) of the drug abuse, prosecution,	
26	interdiction, and corrections fees collected under	_
27	IC 33-19-5-1(b)(5).	
28	(2) Twenty-five percent (25%) of the alcohol and drug	T Y
29	countermeasures fees collected under IC 33-19-5-1(b)(6),	
30	IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).	
31	(3) One hundred percent (100%) of the highway work zone fees	
32	collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).	
33	(4) One hundred percent (100%) of the safe schools fee collected	
34	under IC 33-19-6-16.3.	
35	(5) One hundred percent (100%) of the automated record keeping	
36	fee (IC 33-19-6-19).	
37	(e) The clerk of a city or town court shall monthly distribute to the	
38	county auditor the following:	
39	(1) Seventy-five percent (75%) of the drug abuse, prosecution,	
40	interdiction, and corrections fees collected under	
41	IC 33-19-5-1(b)(5).	
42	(2) Seventy-five percent (75%) of the alcohol and drug	



1	countermeasures fees collected under IC 33-19-5-1(b)(6),
2	IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
3	The county auditor shall deposit fees distributed by a clerk under this
4	subsection into the county drug free community fund established under
5	IC 5-2-11.
6	(f) The clerk of a city or town court shall distribute monthly to the
7	city or town fiscal officer (as defined in IC 36-1-2-7) one hundred
8	percent (100%) of the late payment fees collected under IC 33-19-6-20.
9	The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit
0	fees distributed by a clerk under this subsection in the city or town
1	general fund.
2	(g) The clerk of a city or town court shall semiannually
3	distribute to the auditor of state for deposit in the state general
4	fund one hundred percent (100%) of the judicial administration fee
5	collected under IC 33-19-6-19.3.
6	SECTION 12. IC 33-19-7-5 IS AMENDED TO READ AS
7	FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) On June 30 and
8	on December 31 of each year, the auditor of state shall transfer to the
9	treasurer of state six million seven hundred four thousand two hundred
0	fifty-seven dollars (\$6,704,257) for distribution under subsection (b).
1	(b) On June 30 and on December 31 of each year the treasurer of
2	state shall deposit into:
3	(1) the family violence and victim assistance fund established
4	under IC 12-18-5-2 an amount equal to eleven and
5	eight-hundredths percent (11.08%);
6	(2) the Indiana judges' retirement fund established under
7	IC 33-13-8 an amount equal to twenty-five and twenty-one
8	hundredths percent (25.21%);
9	(3) the law enforcement academy building fund established under
0	IC 5-2-1-13 an amount equal to three and fifty-two hundredths
1	percent (3.52%);
2	(4) the law enforcement training fund established under
3	IC 5-2-1-13 an amount equal to fourteen and nineteen-hundredths
4	percent (14.19%);
5	(5) the violent crime victims compensation fund established under
6	IC 5-2-6.1-40 an amount equal to sixteen and fifty-hundredths
7	percent (16.50%);
8	(6) the motor vehicle highway account an amount equal to
9	twenty-six and ninety-five hundredths percent (26.95%);
0	(7) the fish and wildlife fund established by IC 14-22-3-2 an
.1	amount equal to thirty-two hundredths of one percent (0.32%).



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and

1	(8) the Indiana judicial center drug and alcohol programs fund	
2	established under IC 12-23-14-17 for the administration,	
3	certification, and support of alcohol and drug services programs	
4	under IC 12-23-14 an amount equal to two and twenty-three	
5	hundredths percent (2.23%);	
6	of the amount transferred by the auditor of state under subsection (a).	
7	(c) On June 30 and on December 31 of each year the auditor of state	
8	shall transfer to the treasurer of state:	
9	(1) after June 30, 2004, and before July 1, 2005, one million	
10	two seven hundred thousand dollars (\$1,200,000) (\$1,700,000)	
11	for deposit into the public defense fund established under	
12	IC 33-9-14; and	
13	(2) after June 30, 2005, two million two hundred thousand	
14	dollars (\$2,200,000).	
15	SECTION 13. [EFFECTIVE JULY 1, 2004] (a) In addition to a	_
16	small claims costs fee and small claims service fee collected under	
17	IC 33-19-5-5, as in effect on July 1, 2004, the circuit court clerk	U
18	shall collect a judicial administration fee under IC 33-19-6-19.3, as	
19	added by this act, if the judicial administration fee is required to be	
20	collected under IC 33-19-6.	
21	(b) This SECTION expires July 1, 2005.	
22	SECTION 14. [EFFECTIVE JULY 1, 2004] (a) A circuit court	
23	clerk shall semiannually distribute to the auditor of state for	
24	deposit in the state general fund one hundred percent (100%) of	_
25	the judicial administration fee collected under IC 33-19-6-19.3.	
26	(b) The clerk of a city or town court shall semiannually	
27	distribute to the auditor of state for deposit in the state general	
28	fund one hundred percent (100%) of the judicial administration fee	V
29	collected under IC 33-19-6-19.3.	
30	(c) This SECTION expires July 1, 2005.	



SENATE MOTION

Madam President: I move that Senator Ford be added as coauthor of Senate Bill 409.

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COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 409, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 409 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 10, Nays 0.









COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 409, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 2, strike "If the public defense".

Page 1, strike lines 3 through 7.

Page 1, line 8, delete "two (2) transfers of funds to".

Page 1, line 8, strike "the public".

Page 1, strike lines 9 through 15 and insert "The commission shall give priority to certified claims for reimbursement in capital cases. If the balance in the public defense fund is not adequate to fully reimburse all certified claims in noncapital cases, the commission shall prorate reimbursement of certified claims in noncapital cases.

SECTION 2. IC 33-11.6-4-15, AS AMENDED BY P.L.141-2002, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 15. (a) The costs consist of **the following:**

- (1) A township docket fee equal to five dollars (\$5) plus forty-five percent (45%) of the infraction or ordinance violation costs fee under IC 33-19-5-2.
- (2) Bailiff's service of process by registered or certified mail fee of thirteen dollars (\$13) for each service.
- (3) The cost for the personal service of process by the bailiff or other process server in the amount of thirteen dollars (\$13) for each service.
- (4) Witness fees, if any, in the amount provided by IC 33-19-1-6 to be taxed and charged in the circuit court of the county.
- (5) A redocketing fee, if any, of five dollars (\$5).
- (6) A document storage fee under IC 33-19-6-18.1.
- (7) An automated record keeping fee under IC 33-19-6-19. and
- (8) A late fee, if any, under IC 33-19-6-20.
- (9) A judicial administration fee under IC 33-19-6-19.3.

The docket fee and the cost for the initial service of process shall be paid upon the institution of each case. The cost of service rendered subsequent to the initial service shall be assessed and paid after such service has been made, and the cost of witness fees shall be paid before the witnesses are called.

(b) If the amount of the township docket fee computed under subsection (a)(1) is not equal to a whole number, the amount shall be rounded to the next highest whole number.

SECTION 3. IC 33-19-5-1, AS AMENDED BY P.L.1-2002, SECTION 133, IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2004]: Sec. 1. (a) For each action that results in a felony conviction under IC 35-50-2 or a misdemeanor conviction under IC 35-50-3, the clerk shall collect from the defendant a criminal costs fee of one hundred twenty dollars (\$120).

- (b) In addition to the criminal costs fee collected under this section, the clerk shall collect from the defendant the following fees if they are required under IC 33-19-6:
 - (1) A document fee.
 - (2) A marijuana eradication program fee.
 - (3) An alcohol and drug services program user fee.
 - (4) A law enforcement continuing education program fee.
 - (5) A drug abuse, prosecution, interdiction, and correction fee.
 - (6) An alcohol and drug countermeasures fee.
 - (7) A child abuse prevention fee.
 - (8) A domestic violence prevention and treatment fee.
 - (9) A highway work zone fee.
 - (10) A deferred prosecution fee (IC 33-19-6-16.2).
 - (11) A document storage fee (IC 33-19-6-18.1).
 - (12) An automated record keeping fee (IC 33-19-6-19).
 - (13) A late payment fee (IC 33-19-6-20).
 - (14) A sexual assault victims assistance fee (IC 33-19-6-21).
 - (15) A judicial administration fee (IC 33-19-6-19.3).
- (c) Instead of the criminal costs fee prescribed by this section, the clerk shall collect a pretrial diversion program fee if an agreement between the prosecuting attorney and the accused person entered into under IC 33-14-1-7 requires payment of those fees by the accused person. The pretrial diversion program fee is:
 - (1) an initial user's fee of fifty dollars (\$50); and
 - (2) a monthly user's fee of ten dollars (\$10) for each month that the person remains in the pretrial diversion program.
- (d) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees, within thirty (30) days after they are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-19-8:
 - (1) The pretrial diversion fee.
 - (2) The marijuana eradication program fee.
 - (3) The alcohol and drug services program user fee.
 - (4) The law enforcement continuing education program fee.
- (e) Unless otherwise directed by a court, if a clerk collects only part of a criminal costs fee from a defendant under this section, the clerk shall distribute the partial payment of the criminal costs fee as follows:
 - (1) First, the clerk shall apply the partial payment to general court









costs.

- (2) Second, if there is money remaining after the partial payment is applied to general court costs under subdivision (1), the clerk shall distribute the partial payment for deposit in the appropriate county user fee fund.
- (3) Third, if there is money remaining after distribution under subdivision (2), the clerk shall distribute the partial payment for deposit in the state user fee fund.
- (4) Fourth, if there is money remaining after distribution under subdivision (3), the clerk shall distribute the partial payment to any other applicable user fee fund.
- (5) Fifth, if there is money remaining after distribution under subdivision (4), the clerk shall apply the partial payment to any outstanding fines owed by the defendant.

SECTION 4. IC 33-19-5-2, AS AMENDED BY P.L.1-2002, SECTION 134, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) Except as provided in subsections (d) and (e), for each action that results in a judgment:

- (1) for a violation constituting an infraction; or
- (2) for a violation of an ordinance of a municipal corporation (as defined in IC 36-1-2-10);

the clerk shall collect from the defendant an infraction or ordinance violation costs fee of seventy dollars (\$70).

- (b) In addition to the infraction or ordinance violation costs fee collected under this section, the clerk shall collect from the defendant the following fees if they are required under IC 33-19-6:
 - (1) A document fee (IC 33-19-6-1, IC 33-19-6-2, IC 33-19-6-3).
 - (2) An alcohol and drug services program user fee (IC 33-19-6-7(b)).
 - (3) A law enforcement continuing education program fee (IC 33-19-6-7(c)).
 - (4) An alcohol and drug countermeasures fee (IC 33-19-6-10).
 - (5) A highway work zone fee (IC 33-19-6-14).
 - (6) A deferred prosecution fee (IC 33-19-6-16.2).
 - (7) A jury fee (IC 33-19-6-17).
 - (8) A document storage fee (IC 33-19-6-18.1).
 - (9) An automated record keeping fee (IC 33-19-6-19).
 - (10) A late payment fee (IC 33-19-6-20).
 - (11) A judicial administration fee (IC 33-19-6-19.3).
- (c) The clerk shall transfer to the county auditor or fiscal officer of the municipal corporation the following fees, within thirty (30) days after they are collected, for deposit by the auditor or fiscal officer in the

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user fee fund established under IC 33-19-8:

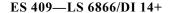
- (1) The alcohol and drug services program user fee.
- (2) The law enforcement continuing education program fee.
- (3) The deferral program fee.
- (d) The defendant is not liable for any ordinance violation costs fee in an action in which:
 - (1) the defendant was charged with an ordinance violation subject to IC 33-6-3;
 - (2) the defendant denied the violation under IC 33-6-3-2;
 - (3) proceedings in court against the defendant were initiated under IC 34-28-5 (or IC 34-4-32 before its repeal); and
 - (4) the defendant was tried and the court entered judgment for the defendant for the violation.
- (e) Instead of the infraction or ordinance violation costs fee prescribed by subsection (a), the clerk shall collect a deferral program fee if an agreement between a prosecuting attorney or an attorney for a municipal corporation and the person charged with a violation entered into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal) requires payment of those fees by the person charged with the violation. The deferral program fee is:
 - (1) an initial user's fee not to exceed fifty-two dollars (\$52); and
 - (2) a monthly user's fee not to exceed ten dollars (\$10) for each month the person remains in the deferral program.

SECTION 4. IC 33-19-5-3, AS AMENDED BY P.L.1-2002, SECTION 135, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) For each action filed under:

- (1) IC 31-34 or IC 31-37 (delinquent children and children in need of services); or
- (2) IC 31-14 (paternity);

the clerk shall collect a juvenile costs fee of one hundred twenty dollars (\$120).

- (b) In addition to the juvenile costs fee collected under this section, the clerk shall collect the following fees if they are required under IC 33-19-6:
 - (1) A document fee.
 - (2) A marijuana eradication program fee.
 - (3) An alcohol and drug services program user fee.
 - (4) A law enforcement continuing education program fee.
 - (5) An alcohol and drug countermeasures fee.
 - (6) A document storage fee (IC 33-19-6-18.1).
 - (7) An automated record keeping fee (IC 33-19-6-19).
 - (8) A late payment fee (IC 33-19-6-20).











(9) A judicial administration fee (IC 33-19-6-19.3).

- (c) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees, within thirty (30) days after they are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-19-8:
 - (1) The marijuana eradication program fee.
 - (2) The alcohol and drug services program user fee.
 - (3) The law enforcement continuing education program fee.

SECTION 5. IC 33-19-5-4, AS AMENDED BY P.L.1-2002, SECTION 136, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. (a) For each civil action except:

- (1) proceedings to enforce a statute defining an infraction under IC 34-28-5-4 (or IC 34-4-32-4 before its repeal);
- (2) proceedings to enforce an ordinance under IC 34-28-5-4 (or IC 34-4-32-4 before its repeal);
- (3) proceedings in juvenile court under IC 31-34 or IC 31-37;
- (4) proceedings in paternity under IC 31-14;
- (5) proceedings in small claims court under IC 33-11.6; and
- (6) proceedings in actions under section 6 of this chapter; the clerk shall collect from the party filing the action a civil costs fee of one hundred dollars (\$100).
- (b) In addition to the civil costs fee collected under this section, the clerk shall collect the following fees if they are required under IC 33-19-6:
 - (1) A document fee.
 - (2) A support and maintenance fee.
 - (3) A document storage fee (IC 33-19-6-18.1).
 - (4) An automated record keeping fee (IC 33-19-6-19).
 - (5) A judicial administration fee (IC 33-19-6-19.3).

SECTION 6. IC 33-19-5-5, AS AMENDED BY P.L.167-2003, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) For each small claims action the clerk shall collect from the party filing the action a:

- (1) small claims costs fee of thirty-five dollars (\$35); and
- (2) small claims service fee of five dollars (\$5) for each defendant named or added in the small claims action.

However, a clerk may not collect a small claims costs fee or small claims service fee for a small claims action filed by or on behalf of the attorney general.

(b) In addition to a small claims costs fee and small claims service fee collected under this section, the clerk shall collect the following fees if they are required under IC 33-19-6:

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- (1) A document fee.
- (2) A document storage fee (IC 33-19-6-18.1).
- (3) An automated record keeping fee (IC 33-19-6-19).
- (4) A judicial administration fee (IC 33-19-6-19.3).

SECTION 7. IC 33-19-5-6, AS AMENDED BY P.L.1-2002, SECTION 138, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. (a) Except as provided under subsection (c), for each action filed under:

- (1) IC 6-4.1-5 (determination of inheritance tax);
- (2) IC 29 (probate); and
- (3) IC 30 (trusts and fiduciaries);

the clerk shall collect from the party filing the action a probate costs fee of one hundred twenty dollars (\$120).

- (b) In addition to the probate costs fee collected under this section, the clerk shall collect from the party filing the action the following fees if they are required under IC 33-19-6:
 - (1) A document fee.
 - (2) A document storage fee (IC 33-19-6-18.1).
 - (3) An automated record keeping fee (IC 33-19-6-19).
 - (4) A judicial administration fee (IC 33-19-6-19.3).
- (c) A clerk may not collect a court costs fee for the filing of the following exempted actions:
 - (1) Petition to open a safety deposit box.
 - (2) Filing an inheritance tax return, unless proceedings other than the court's approval of the return become necessary.
 - (3) Offering a will for probate under IC 29-1-7, unless proceedings other than admitting the will to probate become necessary.

SECTION 8. IC 33-19-6-19.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 19.3. (a) This subsection does not apply to the following:**

- (1) A criminal proceeding.
- (2) A proceeding for an infraction violation.
- (3) A proceeding for an ordinance violation.

In each action filed in a court described in IC 33-19-1-1, the clerk shall collect a judicial administration fee of one dollar (\$1) during the period beginning July 1, 2004, and ending June 30, 2005, and two dollars (\$2) after June 30, 2005.

- (b) In each action in which a person is:
 - (1) convicted of an offense;
 - (2) required to pay a pretrial diversion fee;

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- (3) found to have violated an infraction; or
- (4) found to have violated an ordinance;

the clerk shall collect a judicial administration fee of one dollar (\$1) during the period beginning July 1, 2004, and ending June 30, 2005, and two dollars (\$2) after June 30, 2005.

SECTION 9. IC 33-19-7-1, AS AMENDED BY P.L.167-2003, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The clerk of a circuit court shall semiannually distribute to the auditor of state as the state share for deposit in the state general fund seventy percent (70%) of the amount of fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-3(a) (juvenile costs fees).
- (4) IC 33-19-5-4(a) (civil costs fees).
- (5) IC 33-19-5-5(a)(1) (small claims costs fees).
- (6) IC 33-19-5-6(a) (probate costs fees).
- (7) IC 33-19-6-16.2 (deferred prosecution fees).
- (b) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state user fee fund established under IC 33-19-9-2 the following:
 - (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-19-5-1(b)(5).
 - (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
 - (3) Fifty percent (50%) of the child abuse prevention fees collected under IC 33-19-5-1(b)(7).
 - (4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-19-5-1(b)(8).
 - (5) One hundred percent (100%) of the highway work zone fees collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).
 - (6) One hundred percent (100%) of the safe schools fee collected under IC 33-19-6-16.3.
 - (7) One hundred percent (100%) of the automated record keeping fee (IC 33-19-6-19).
- (c) The clerk of a circuit court shall monthly distribute to the county auditor the following:
 - (1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-19-5-1(b)(5).

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(2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

- (d) The clerk of a circuit court shall monthly distribute to the county auditor fifty percent (50%) of the child abuse prevention fees collected under IC 33-19-5-1(b)(8). The county auditor shall deposit fees distributed by a clerk under this subsection into the county child advocacy fund established under IC 12-17-17.
- (e) The clerk of a circuit court shall monthly distribute to the county auditor one hundred percent (100%) of the late payment fees collected under IC 33-19-6-20. The county auditor shall deposit fees distributed by a clerk under this subsection as follows:
 - (1) If directed to do so by an ordinance adopted by the county fiscal body, the county auditor shall deposit forty percent (40%) of the fees in the clerk's record perpetuation fund established under IC 33-19-6-1.5 and sixty percent (60%) of the fees in the county general fund.
 - (2) If the county fiscal body has not adopted an ordinance under subdivision (1), the county auditor shall deposit all the fees in the county general fund.
- (f) The clerk of the circuit court shall semiannually distribute to the auditor of state for deposit in the sexual assault victims assistance fund established under IC 16-19-13-6 one hundred percent (100%) of the sexual assault victims assistance fees collected under IC 33-19-6-21.
- (g) The clerk of a circuit court shall monthly distribute to the county auditor the following:
 - (1) One hundred percent (100%) of the support and maintenance fees for cases designated as non-Title IV-D child support cases in the Indiana support enforcement tracking system (ISETS) collected under IC 33-19-6-5.
 - (2) The percentage share of the support and maintenance fees for cases designated as IV-D child support cases in ISETS collected under IC 33-19-6-5 that is reimbursable to the county at the federal financial participation rate.

The county clerk shall monthly distribute to the office of the secretary of family and social services the percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS collected under IC 33-19-6-5 that is not reimbursable to the county at the applicable federal financial participation rate.

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- (h) The clerk of a circuit court shall monthly distribute to the county auditor one hundred percent (100%) of the small claims service fee under IC 33-19-5-5(a)(2) for deposit in the county general fund.
- (i) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the judicial administration fee collected under IC 33-19-6-19.3.

SECTION 10. IC 33-19-7-4, AS AMENDED BY P.L.167-2003, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The clerk of a city or town court shall semiannually distribute to the auditor of state as the state share for deposit in the state general fund fifty-five percent (55%) of the amount of fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-4(a) (civil costs fees).
- (4) IC 33-19-5-5(a)(1) (small claims costs fees).
- (5) IC 33-19-6-16.2 (deferred prosecution fees).
- (b) Once each month the city or town fiscal officer shall distribute to the county auditor as the county share twenty percent (20%) of the amount of fees collected under the following:
 - (1) IC 33-19-5-1(a) (criminal costs fees).
 - (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
 - (3) IC 33-19-5-4(a) (civil costs fees).
 - (4) IC 33-19-5-5(a)(1) (small claims costs fees).
 - (5) IC 33-19-6-16.2 (deferred prosecution fees).
- (c) The city or town fiscal officer shall retain twenty-five percent (25%) as the city or town share of the fees collected under the following:
 - (1) IC 33-19-5-1(a) (criminal costs fees).
 - (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
 - (3) IC 33-19-5-4(a) (civil costs fees).
 - (4) IC 33-19-5-5(a)(1) (small claims costs fees).
 - (5) IC 33-19-6-16.2 (deferred prosecution fees).
- (d) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state user fee fund established under IC 33-19-9 the following:
 - (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-19-5-1(b)(5).
 - (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6),







- IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
- (3) One hundred percent (100%) of the highway work zone fees collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).
- (4) One hundred percent (100%) of the safe schools fee collected under IC 33-19-6-16.3.
- (5) One hundred percent (100%) of the automated record keeping fee (IC 33-19-6-19).
- (e) The clerk of a city or town court shall monthly distribute to the county auditor the following:
 - (1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-19-5-1(b)(5).
 - (2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

- (f) The clerk of a city or town court shall distribute monthly to the city or town fiscal officer (as defined in IC 36-1-2-7) one hundred percent (100%) of the late payment fees collected under IC 33-19-6-20. The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit fees distributed by a clerk under this subsection in the city or town general fund.
- (g) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the judicial administration fee collected under IC 33-19-6-19.3.

SECTION 11. IC 33-19-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) On June 30 and on December 31 of each year, the auditor of state shall transfer to the treasurer of state six million seven hundred four thousand two hundred fifty-seven dollars (\$6,704,257) for distribution under subsection (b).

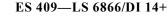
- (b) On June 30 and on December 31 of each year the treasurer of state shall deposit into:
 - (1) the family violence and victim assistance fund established under IC 12-18-5-2 an amount equal to eleven and eight-hundredths percent (11.08%);
 - (2) the Indiana judges' retirement fund established under IC 33-13-8 an amount equal to twenty-five and twenty-one hundredths percent (25.21%);
 - (3) the law enforcement academy building fund established under













- IC 5-2-1-13 an amount equal to three and fifty-two hundredths percent (3.52%);
- (4) the law enforcement training fund established under IC 5-2-1-13 an amount equal to fourteen and nineteen-hundredths percent (14.19%);
- (5) the violent crime victims compensation fund established under IC 5-2-6.1-40 an amount equal to sixteen and fifty-hundredths percent (16.50%);
- (6) the motor vehicle highway account an amount equal to twenty-six and ninety-five hundredths percent (26.95%);
- (7) the fish and wildlife fund established by IC 14-22-3-2 an amount equal to thirty-two hundredths of one percent (0.32%); and
- (8) the Indiana judicial center drug and alcohol programs fund established under IC 12-23-14-17 for the administration, certification, and support of alcohol and drug services programs under IC 12-23-14 an amount equal to two and twenty-three hundredths percent (2.23%);
- of the amount transferred by the auditor of state under subsection (a).
- (c) On June 30 and on December 31 of each year the auditor of state shall transfer to the treasurer of state:
 - (1) after June 30, 2004, and before July 1, 2005, one million two seven hundred thousand dollars (\$1,200,000) (\$1,700,000) for deposit into the public defense fund established under IC 33-9-14; and
 - (2) after June 30, 2005, two million two hundred thousand dollars (\$2,200,000).

SECTION 12. [EFFECTIVE JULY 1, 2004] (a) In addition to a small claims costs fee and small claims service fee collected under IC 33-19-5-5, as in effect on July 1, 2004, the circuit court clerk shall collect a judicial administration fee under IC 33-19-6-19.3, as added by this act, if the judicial administration fee is required to be collected under IC 33-19-6.

- (b) This SECTION expires July 1, 2005.
- SECTION 13. [EFFECTIVE JULY 1, 2004] (a) A circuit court clerk shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the judicial administration fee collected under IC 33-19-6-19.3.
- (b) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the judicial administration fee collected under IC 33-19-6-19.3.

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(c) This SECTION expires July 1, 2005.".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 409 as printed January 30, 2004.)

CRAWFORD, Chair

Committee Vote: yeas 22, nays 3.

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